

REMARKS

Claim 6 is rejected. Applicant amends the specification to indicate that U.S. Application Serial No. 10/265,373 has issued as U.S. Patent 6,741,103. Applicant amends claim 6 and reconsideration of rejected claim 6 is respectfully requested.

Request for Signed and Dated Form PTO-1449

Applicant submitted an Information Disclosure Statement on April 19, 2004. Applicant respectfully requests a copy of the initialed, signed, and dated Form PTO-1449 acknowledging the consideration of the references listed in the Form PTO-1449.

Nonstatutory Double Patenting Rejection

Claim 6 stands rejected under the judicially created doctrine of double patenting (nonstatutory double patenting) as being unpatentable over claims 1 and 4 of U.S. Patent No. 6,531,898 issued to McKim, Jr. Applicant requests that the submission of a terminal disclaimer be held in abeyance until allowance of the application, because Applicant has further amended claim 6.

Rejection of Claim 6 Under 35 U.S.C. §103(a)

Claim 6 is rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,531,898 issued to McKim, Jr. (hereinafter referred to as "McKim") in view of U.S. Patent 5,053,695 issued to Carter. This rejection is respectfully traversed.

Applicant respectfully submits that this 35 U.S.C. §103(a) rejection is improper. As indicated in the Preliminary Amendment filed April 19, 2004, the above-identified application is a divisional of application serial number 10/265,373, filed October 7, 2002, (now U.S. Patent 6,741,103), which is a divisional of application serial number 09/727,280, now U.S. Patent No. 6,531,898.

In application serial number 09/727,280, now U.S. Patent No. 6,531,898, a restriction requirement was mailed on September 25, 2001, and Applicant elected claims 1-3, 5, and 19-21. Accordingly, claim 6 was withdrawn from consideration.

In application serial number 10/265,373, a restriction requirement was mailed on March 25, 2003, which required Applicant to elect either claim 6 or claims 7-18 and 22-23. In response to the restriction requirement, Applicant elected claims 17-18 and 22-23. Therefore, claim 6 was withdrawn from consideration.

Accordingly, withdrawal of this rejection is respectfully requested.

Application Serial No.: 10/826,263

Docket No.: 10003851-3

Summary


There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

Date: April 26, 2005

By: 
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